

Interim Decision #2071

MATTER OF PADUANO
In Deportation Proceedings

A-18609140

Decided by Board January 21, 1971

The Board of Immigration Appeals lacks the authority to review a district director's denial of a stay of deportation sought for a purpose unrelated to the deportation proceedings.

CHARGE:

Order: Act of 1952—Section 241(a)(2) [8 U.S.C. 1251(a)(2)]—Nonimmigrant visitor—remained longer.

ON BEHALF OF RESPONDENT:

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ON BEHALF OF SERVICE:

Irving A. Appleman
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This is an appeal from an order of a special inquiry officer denying respondent's motion to reopen the deportation proceedings. The appeal will be dismissed.

Respondent is a 28-year-old native and citizen of Italy who was admitted to the United States on March 24, 1969 as a nonimmigrant visitor for business, authorized to remain for a period to expire May 24, 1969. He applied for an extension of stay but it was denied and he was given until June 3, 1969 to depart. On his failure to depart, deportation proceedings were started against him. After a hearing at which respondent conceded deportability, the special inquiry officer granted his application for the privilege of voluntary departure on or before September 13, 1969, with an alternate order for his deportation to Italy if he failed to depart. Respondent waived his right of appeal to this Board from that order, but failed to depart.

Thereafter, respondent filed a motion to reopen the proceedings in order that he might apply for adjustment of status under sec-